REMARKS

Claims 1-24 are pending and stand rejected. Claims 1, 6, 14, and 18 have been amended. No new matter has been added.

Claims 1, 6, 18 and 19 stand rejected under 35 USC 102(a) as being anticipated by Frisch (WO 00/33207). It is the examiner's position that Frisch discloses each and every element recited in the claims.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejection the claims. However, in order to advance the prosecution of this matter, applicant has elected to amend the independent claims 1, 6, 14 and 18 to more clearly state the invention. More specifically, applicant has amended the claims, as shown here with regard to claim 1, and is typical of the other independent claims, to recite:

> 1. (Currently amended) For use in a video processing system of the type comprising a chain of video processing algorithms for processing a video stream, a system for optimizing at least one control parameter setting of at least one of said video processing algorithms in said chain of video processing algorithms, said system comprising:
>
> an optimization unit comprising an algorithm capable of optimizing said at least one control parameter setting of said at least one video processing algorithm, <u>without regard to prior information of said at least one video processing algorithm.</u>

No new matter has been added. Support for the amended language may be found on page 16, line 5 of the instant application.

Frisch, as read by applicant, discloses a system for improving a digital image using genetic algorithms that use a fitness rating, which is used in the evolution of subsequent generations of image, i.e., child images. Frisch discloses that a next generation parameter is determined as a function of a prior parameter and a current child parameter adjusted by its associated fitness rating. This is more specifically shown on page 14 line 5 wherein Frisch shows a weighted average that uses information from a prior image parameter combined with child image parameter. Frisch fails to disclose a system "optimizing said control parameter setting of said at least one video processing

algorithm without regard to prior information of said at least one video processing algorithm," as is recited in the claim.

Accordingly, Frisch cannot be said to anticipate the present invention, because Frisch fails to disclose each and every element recited therein.

Having shown that Frisch fails to disclose each and every element recited in the claim, applicant submits that the reason for the examiner's rejection of the claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests entry of the amendment, reconsideration, withdrawal of the rejection and allowance of the claim.

With regard to claims 6 and 18, these claims recite systems similar to that recited in claim 1. The examiner rejected these claims reciting the same reference used in rejecting claim 1. Thus, the applicant's remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the examiner's rejection of claims 6 and 18. In view of the amendments made to the language of claims 6 and 18, which are similar to the amendments made to claim 1, and for the remarks made with regard to the rejection of claim 1, which are repeated herein in response to the rejection of the above referred to claims, applicant submits that the examiner's reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests, entry of the amendment, reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claim 19, this claim depends from claim 18, which has been shown to include subject matter not disclosed in, and allowable, over the cited reference. Accordingly, claim 19 is also allowable by virtue of its dependence from an allowable base claim. Applicant respectfully request reconsideration, withdrawal of the rejection and allowance of the claim.

Claims 2-5, 7-11, 13-17 and 20-23 stand rejected under 35 USC 103(a) as being unpatentable over Frisch as applied to claims 1, 6, 18 and 19 and further in view of Watanabe (USP No. 6,004,015). Claims 12 and 23 are rejected under 35 USC 103(a) as being unpatentable over the combination of Frisch and Watanabe and further in view of Sims (Artificial Evolution for Computer Graphics.).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reasons for rejecting the claims. A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest **all** the claim limitations.

Claims 2-5, 7-11, 13-17 and 20-22 ultimately depend from claims 1, 6, and 18, respectively, and include all the subject matter recited in these independent claims.

Frisch, as noted above, fails to disclose a fitness rating that is determined "without regard to prior information of said at least one video processing algorithm," which is recited in each of the independent claims.

Watanabe, as read by applicant, discloses an optimization adjusting method and apparatus that has the user evaluate solution vectors and based on the evaluation determines a fitness factor. The set of solution vectors determined based on the fitness factor are then applied to a recombination section that performs an arithmetical recombination operation. The recombination operation includes a selection range deriving section to limit the selection of the solution vector set. Watanabe further notes that an update section "obtains a difference vector Δg_{l-1} between the barycentric vector g_l calculated in the barycenter estimating section 109 in the l-th update operation and the barycentric vector g_{l-1} in the (l-1) th update operation." (see col. 25, lines 9-17). Hence, Watanabe teaches using data between iterative steps.

Neither Frisch nor Watanabe, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. From the teachings of Frisch or Watanabe, even if combined, would not motivate one to develop a system that

discloses "optimizing said control parameter setting of said at least one video processing algorithm without regard to prior information of said at least one video processing algorithm." In fact, both Frisch and Watanabe teach away from such a step as both teach using information from a prior iteration.

Having shown that the combination of Frisch and Watanabe fails to teach or suggest all the elements recited in claims 2-6, 7-11, 13-17, and 20-22, applicant submits that the reason for the examiner's rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests entry of the amendments, reconsideration, withdrawal of the rejection and allowance of the claims.

With regard to claims 12 and 23, these depend from claims 11 and 22, which have been shown to include subject matter not disclosed in either Frisch or Watanabe or their combination. Sims describes artificial evolution techniques and fails to teach or disclose a step of "optimizing said control parameter setting of said at least one video processing algorithm without regard to prior information of said at least one video processing algorithm." Hence, even if one were to combine the references cited, the combined device would not include all the elements recited in claims 12 and 23.

Having shown that the combination of Frisch, Watanabe and Sims fails to teach or suggest all the elements recited in claim 12 and 23, applicant submits that the reason for the examiner's rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests entry of the amendments, reconsideration and withdrawal of the rejection.

Although the last Office Action was made final, this amendment should be entered. Claims 1, 6, 14 and 18 have each been amended to include the clause -- without regard to prior information of said at least one video processing algorithm-- to more clearly state the invention. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should any unresolved issues remain that the examiner believes may be resolved via a telephone call, the examiner is invited to call applicant's attorney at the telephone number below.

No fees are believed necessary for the filing of this Amendment and Response.

Respectfully submitted,
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